

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:05CV273

THIS MATTER is before the Court on the parties' joint stipulation to withdraw the Defendant's motion for summary judgment.

For the reasons stated in the motion and for cause shown, the Court will allow the motion. The Magistrate Judge's Memorandum and Recommendation is, therefore, rendered moot by the parties' settlement of this action.

IT IS, THEREFORE, ORDERED that the parties' joint stipulation is **ALLOWED**, and the Defendant's motion for summary judgment is hereby withdrawn.

Signed: May 17, 2006



Lacy H. Thornburg
United States District Judge

